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BEFORE THE ARIZONA BOARD OF  
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

In the Matter of: )  
JOHN S. TAYLOR, D.O. ) FINDINGS OF FACT,  
Holder of License No. 2775 ) CONCLUSIONS OF LAW  
For the practice of osteopathic ) AND ORDER  
medicine in the State of Arizona )  
\_\_\_\_\_)

FINDINGS OF FACT

1. Information was brought to the attention of the Arizona Board of Osteopathic Examiners in Medicine and Surgery (hereinafter "Board") giving cause to believe that John S. Taylor, D.O. (hereinafter "Respondent"), holder of license number 2775 for the practice of osteopathic medicine and surgery in the State of Arizona, may be medically and/or psychologically unable to safely and skillfully engage in the practice of medicine and may have committed one or more acts or unprofessional conduct as defined in A.R.S. § 32-1854.

2. The Board finds that the factual allegations set forth in the Board's "Complaint and Notice of Hearing", i.e., at paragraphs 4 through 7, are correct and supported by substantial evidence except as stated hereafter. The Board finds that at paragraph 4 through 5 of the Board's Complaint only Demoral was illegally obtained but not Nubain and Stedol.

3. In public session, the Board conducted a hearing on this matter, whereupon the Board voted on the 10th day of January, 1996 to authorize the Board's Executive Director to

1 sign and issue these Findings of Fact, Conclusions of Law and  
2 Order regarding Respondent in this matter.

3 CONCLUSIONS OF LAW

4 1. The Arizona State Board of Osteopathic Examiners  
5 has jurisdiction over the person and subject matter presented by  
6 this matter, pursuant to A.R.S. § 32-1800, et seq.

7 2. The Respondent engaged in unprofessional conduct  
8 as defined at A.R.S. § 32-1854(22), i.e., using controlled  
9 substances or prescription-only drugs unless they are provided  
10 by a medical practitioner, as defined in section 32-1901.

11 3. The Respondent engaged in conduct described in  
12 paragraphs 4 through 7 of the Board's Complaint which  
13 constitutes unprofessional conduct as defined at A.R.S.  
14 § 32-1854.41, i.e., any conduct or practice that impairs the  
15 licensee's ability to safely and skillfully practice medicine or  
16 that may reasonably be expected to do so.

17 4. The Respondent engaged in conduct described in  
18 paragraphs 4 through 7 of the Board's Complaint which  
19 constitutes unprofessional conduct as defined at A.R.S.  
20 § 32-1854.5, i.e., prescribing, dispensing or administering  
21 controlled substances prescription-only drugs for other than  
22 accepted therapeutic purposes.

23 5. The Respondent engaged in conduct described in  
24 paragraphs 4 through 7 of the Board's Complaint which  
25 constitutes unprofessional conduct as defined at A.R.S.

1 § 32-1854.37, i.e., violating a federal law, a state law or a  
2 rule applicable to the practice of medicine.

3 ORDER

4 Pursuant to the authority vested in the Board by A.R.S.  
5 § 32-1855 and A.R.S. § 32-1861(D), IT IS HEREBY ORDERED THAT:

6 1. John S. Taylor, D.O. ("Respondent") is censured  
7 for unprofessional conduct and placed upon probation for five  
8 (5) years and shall comply with the terms and conditions of  
9 probation set forth herein.

10 2. From the date of this Order and for the duration  
11 of probation, Respondent shall obtain psychiatric or  
12 psychological treatment by a therapist(s) who is either a  
13 licensed psychiatrist or psychologist and is selected by  
14 Respondent and approved by the Board. Respondent shall comply  
15 with the therapist(s) recommendation for the frequency of  
16 treatment sessions. Respondent shall inform the Board by letter  
17 (mailed to the Board's executive director within ten days of the  
18 date of this Order) of the therapist's name; and, Respondent  
19 shall undertake and fully cooperate with a program of treatment  
20 established by the therapist. In the event Respondent changes  
21 therapist, he shall give the Board written notice within ten  
22 (10) days of said action. Respondent shall not discontinue or  
23 reduce the frequency of psychotherapy sessions until he has  
24 submitted a written request to the Board and obtained Board  
25 approval.  
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1           3.   Respondent's therapist(s) shall receive a copy of  
2 this Order. Board staff shall cooperate with and disclose all  
3 relevant public information in the Board's files concerning  
4 Respondent. The treating therapist shall be directed by  
5 Respondent to send to the Board a written progress report every  
6 month for the first six (6) months, then every three (3) months  
7 for the remainder of the probation; and Respondent shall waive  
8 any confidentiality concerning his psychotherapy in order that  
9 the Board may receive full disclosure of information. The  
10 expense of the aforementioned therapy and the reports to the  
11 Board by Respondent's therapist shall be the sole responsibility  
12 of the Respondent.

13           4.   Respondent shall provide a copy of this Order and  
14 any subsequent Orders to all facilities where Respondent is  
15 currently (or subsequently) employed as physician and/or has (or  
16 subsequently receives) privileges to engage in the practice of  
17 medicine; and, Respondent shall continue to make the  
18 aforementioned disclosure and provide copies of this Order until  
19 the expiration of this Order.

20           5.   Respondent may have his license to practice as an  
21 osteopathic physician restricted, suspended or revoked by the  
22 Board in the future if:

23           (A)   The Board finds that Respondent does not  
24           have the requisite mental, physical and  
25           emotional fitness to safely continue the  
26           practice of medicine; or,

1 (B) There are new grounds for finding  
2 unprofessional conduct concerning  
Respondent; or,

3 (C) Fails to comply fully with the terms and  
4 conditions of this Order.

5 6. Respondent shall abstain completely from the  
6 consumption of alcoholic beverages; and, Respondent shall not  
7 consume illicit drugs or take any controlled substances (i.e.,  
8 prescription only drugs), unless such medication is prescribed  
9 for him by his treating physician. Respondent shall maintain a  
10 monthly log (for the duration of probation) and provide a copy  
11 of the log to the Board at the first of each month of all  
12 prescription only drugs taken by him and such log shall include  
the following information:

13 (a) the name of the medication;

14 (b) name of prescribing physician;

15 (c) reason for the medication.

16 7. Respondent shall also as part of his probation:

17 (A) submit to and cooperate in any independent medical or  
18 psychological evaluation that is ordered by the Board for  
19 Respondent and conducted by the Board's designated physician  
20 and/or psychologist; and, the cost for said evaluation shall be  
21 paid by the Respondent; and (B) appear before the Board, upon  
22 receipt of a request by written or telephonic notification from  
23 the Board's executive director or executive director's designee  
24 which shall be given at least five (5) days prior to the Board  
25 meeting; and, (C) Respondent shall promptly pay (i.e., within 20  
26

1 days of receiving billing statement) the court reporter costs  
2 arising out of the Board's hearing of January 10, 1996.

3 8. Respondent shall submit to random biological fluid  
4 testing when and as directed by the Board's executive director;  
5 and, Respondent shall promptly provide (i.e., within sixty (60)  
6 minutes of notification) required biological fluids for testing  
7 and said testing shall be done at the Respondent's expense.

8 9. Respondent shall participate in a minimum of two  
9 (2) self-help meetings per week (for a minimum of one hour per  
10 meeting) through such organizations as Alcoholics Anonymous,  
11 Narcotics Anonymous and doctor's Caduceus group. Respondent  
12 shall maintain a written record of the dates, time and location  
13 of meetings attended; and, a copy of said written record shall  
14 be provided to the Board's staff on the first day of each month.

15 10. In the event Respondent ceases to reside in the  
16 State of Arizona, he shall give written notice to the Board of  
17 his new residence address within twenty (20) days prior to  
18 moving; and, the terms and duration of probation shall be stayed  
19 until Respondent returns to Arizona.

20 11. Respondent may only prescribe controlled  
21 substances pursuant to those terms and conditions imposed by the  
22 U.S. Drug Enforcement Agency ("DEA"), such as, but not limited  
23 to any current or future "Pretrial Diversion Agreement" between  
24 Respondent and DEA; and, in the event Respondent's DEA  
25 registration is reinstated, either with or without conditions,  
26 Respondent must remain in compliance with all terms and

1 conditions imposed by DEA and other applicable U.S. government  
2 regulations and statutes. Respondent shall provide the Board  
3 with a copy of all D.E.A. orders and agreements applicable to  
4 his D.E.A. registration and prescribing privileges.

5 12. Upon approval of prescription privileges,  
6 Respondent must use triplicate copies of prescription pads and  
7 supply the Board with copies by the first of each month for the  
8 prior months prescriptions issued.

9 13. Comply with all terms and conditions imposed by  
10 any hospital where Respondent has privileges or later obtains  
11 privileges to practice; and, said hospital's chief executive  
12 officer shall be provided by Respondent within five (5) days  
13 after receipt by Respondent with a copy of this Consent Order,  
14 in its entirety.

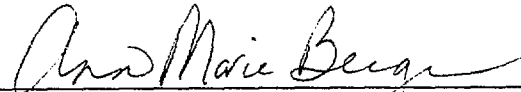
15 14. While Respondent is employed or otherwise  
16 contracts with the U.S. government, through any of its agencies  
17 or departments, he shall disclose a copy of this Consent Order  
18 to his immediate designated supervisor; and, if any conditions  
19 or restrictions upon Respondent as a physician are imposed as  
20 part of said employment or contract, Respondent shall comply  
21 with said restrictions and/or conditions. Said conditions and  
22 restrictions are incorporated herein and made a part hereof.

23 15. The Board's Executive Director shall send  
24 correspondence to appropriate state and/or federal law  
25 enforcement agency disclosing this Consent Order and information  
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1 in the Board's possession which may establish criminal  
2 misconduct by Respondent.

3 ISSUED AND EFFECTIVE this 29th day of January, 1996.

4 ARIZONA BOARD OF OSTEOPATHIC  
5 EXAMINERS IN MEDICINE AND SURGERY

6 

7 ANN MARIE BERGER, Executive Director  
8 141 E. Palm Lane, Suite 205  
9 Phoenix, Arizona 85004

10 NOTICE: Pursuant to A.R.S. § 41-1062(B), Respondent may file a  
11 motion for rehearing within no more than fifteen (15)  
12 days of service of the Board's Order upon Respondent.  
13 Service is deemed effective upon date of mailing to  
14 Respondent by U.S. certified mail. The motion for  
15 rehearing shall be mailed or delivered to the Board's  
16 executive director.

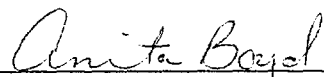
17 Served by sending U.S. Certified  
18 Mail this 29th day of January,  
19 1996, to:

20 John S. Taylor, D.O.  
21 P.O. Box 12826  
22 Ft. Huachuca, AZ 85670

23 Mailed this 29th day of January,  
24 1996, to:

25 Michael Harrison  
26 Assistant Attorney General  
Civil Division (LES)  
1275 W. Washington  
Phoenix, AZ 85007

Richard J. Riley  
Haymore Plaza, Suite M-12  
500 E. Fry Blvd.  
Sierra Vista, AZ 85635  
Attorney for Respondent

By:   
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